App F IX 4

Previous References (1945-46 ml)

File No 149-45
Serial Nos 89,90

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos TW-0

Part B for July 46

SUBJECT

Appeal against the order of the House-rent ~~Controller~~ Controller B. regarding the rent for the building Rawalpindi occupied by the T.B. Office at Rs. 900 Rs 660 & 127.8.0

To

The Chairman C.T.D.
Trust Bd

Accords permission to submit the Case & to post pleader on behalf of the Board

9083
L

Letter No. 2105 dated 11 6 46 from the Chairman City I. T. Bd. B'lore reporting the fixing of rent by the House Rent Controller at the rate of Rs 500/- p m in respect of the "Ranga Vilas" in which the Trust Bd. Office is located

Subd

1 The building known as "Ranga Vilas" situated in Seshadri Rd B'lore was — commandeered under the Defence of India Rules for shifting the B'lore T Bd. office from the "Kariyiri" buildings as the former was found to be more spacious than the latter (Rangavilas)

2 The building was — accordingly occupied on 29.10.45.

3 The House Rent Controller has now fixed the rent for the building at the rate of Rs 500/- p m The Bd has resolved to pay the above rent from the date of occupation of the buildings.

4 But the Chairman

9063

is of opinion that the rent fixed is too high. He feels that the building is not worth more than Rs 300/- p m even in the abnormal conditions now prevailing. He further states that the order of the Controller is an ex-parte order and no notice of the hearing was given to the Trust Bd.

If so, he proposes to file an appeal before the Rev Comm'r against the order of the House Rent Controller for getting the rent reduced. He states that at the time when the Bd discussed the subject, the idea of getting the rent reduced on appeal did not strike anybody. He desires to take action himself & requests ~~permission~~ approval to this action.

Submitted for orders

6/6 b) The action proposed to be taken by the Chairman, Municipal Improvement Trust Board of to file an appeal before the Revenue Commr against the order of the House Rent Controller

9083 1:4:46

may be appd

Newsagent 19/6/46

1386/1946

To have a Copy of the Order of Rent Controller

Sas

& pl investigate 20/6/46

Subdy with a draft letter for appl.

mm 20/6 to Secy 20/6/46

The Chn C.I.T. Bd Bombay L 14418 dated 14.6.46 calls for a copy of H.R. Controller's order

TYPING SECTION
21 JUNE 1946
CTC. & ARTL ECTT

SWSA

mm 25/6

From the Chn C.I.T. Bd Bombay letter no 2179 dated 25.6.46 forwarding a copy of the order of the House rent controller Bombay

Subdy

Flag 'W'

1) The House Rent Controller's order is put up for perusal.

2) It is essential that Sub-Division officers & Civil officers

~~Scanned~~

B'Core Sub-Division has recommended a fair rent of Rs 625/- p.m But the House Rent Controller has in view of the heavy investment ~~and also in~~ of Rs 2,50,000/- and also in Views of the general increase in rents owing to pressure, fixed the fair rent at Rs 500/- p.m He is of opinion that during the ordinary years, the building cannot be expected to fetch a rent higher than about Rs 300/-.

13) The Chairman of ~~desires~~ proposes to file an appeal against the above order of the House Rent Controller. Submitted for orders and necessary papers

27/6

new page for 28/6/41

14) Is any legal opinion necessary in this case?

Yes
28/6/41

Submitted,

15) Section 11(1) of the Bombay House Rent Control Order 1945 authorises a person aggrieved by an order of the [vide copy up]

94296

Controller to present an appeal to the Rent Commr. within a period of fifteen days from the date on which the order is communicated to him

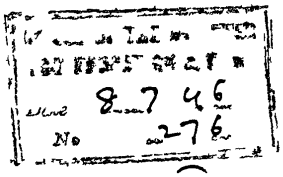
8/4/17

(b) Such being the case obtaining the ~~[illegible]~~ legal opinion in this case does not appear to be necessary.

29/6/17 It does not appear necessary to Min. any legal opinion in the matter which may be left to the discretion of the Chairman of the Improvement Trust Board, Bangalore. His action in this behalf which is in the interest of Govt. might be approved - respectfully submitted

Revised for 1/7/18

Action proposed to be taken by the Chairman & file an appeal in this case may be approved



Minister for Ed. & P.H. Laws

Dft letter 1/7/18 9/7/18 10/7/18

A draft letter is put up accord-
-ingly for approval.

11/7

11/7

The Chief Engineer, Bridges Works
L 660 dated 12.7.46
Accords permission.

13/7

GEN SECRETARIAT 9083 15 JUNE 1945 L S BRANCH

No 2105

Office of the City Improvement Trust Board,
'Ranga Vilas' Seshadri Road,
Dated, Bangalore, the 11th June 1946

To

J B NALLARADHYA, ESQ , I A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir,

Subject - Rent as fixed by the House Rent Controller in respect of "Ranga Vilas"

- oOo -

I have the honour to state that as already reported to Government in this office letter No 452 dated 7-11-45, the above building was occupied by the Trust Board Office on the 29th October 1945

2 The question of fixing fair-rent for the building was pending before the House Rent Controller, Bangalore In his memo No 179/45-46 dated the 31st May 1946, he has intimated that orders have been passed in his No F R C 998/45-46 dated 31-5-46 fixing the rent of the building at Rs 500/- p m This communication was placed before the Board at its meeting held on 8-6-1946 and the following resolution was passed -

"That a recommendation be made to Government to sanction the payment of the rent at the rate fixed by the House Rent Controller from the date of the occupation of the building by the Board "

In this connection, I wish to state that at the time the memo of the Rent Controller was placed before the Board, the possibility of securing a reduction of rent in appeal was lost sight of, and unfortunately, this aspect of the question was not raised by any member before the decision was taken

P T O

3 In my opinion, we have a good case for filing an appeal The building including the grounds on which it stands cannot be valued at more than a Lakh of rupees even at the inflated rates now prevailing In normal times, its value cannot be more than half this amount. The order of the Rent Controller is an ex-parte order and no notice of the hearing was given to the Trust Board I have applied for a copy of the order, but I presume that the main reason why the Rent Controller fixed the rent as high as Rs 500/- appears to have been the fact the present owner paid a fancy price for the building I have no reliable information on the point, but it is understood that the price paid is about Rs 2½ lakhs The owner is a business-man who made a lot of money during the war, and I hear that his object in purchasing this property was to convert it into an up-to-date Hotel thereby hoping to realise a rent high enough to yield him a good return on the capital invested Personally, I think the building is not worth more than Rs 300/- a month at the most, even in the abnormal conditions now prevailing

4 In the foregoing circumstances, I propose to file an appeal before the Revenue Commissioner as soon as I get a certified copy of the order and entrust the case to the Government Pleader on behalf of the Board I request that my action may be kindly approved

I have the honour to be,
Sir,
Your most obedient servant,

Chairman,
City Improvement Trust Board

The Chief Sec. to Govt. of Bombay
Simla, No. 149-45-90

Subj: Payment of rent as fixed by the House Rent Controller in respect of 'Ranga Vilas'

With reference to your letter No. 2105 dated 11.6.46 on the above subject, I am directed to request that a copy of the order No. HRC 998/45 dated 31.5.46 passed by the House Rent Controller fixing the above rent may be sent early to this office for reference.

I have etc.
for Secy.
to the Govt. of Bombay
Rev. Dept.

22/6

Rel. 149-45-89

C F No 46]

GOVERNMENT OF MYSORE

No 2178 9428 OFFICE OF THE CITY IMPROVEMENT TRUST BOARD,
Encls One. 27 JUN 1946 Ranga Vilas', Seshadri Road, Bangalore

GEN & REV SECTT. BRANCH

To Date June 25, 1946.

J. B. MALLARADHYA, Esq., M A ,
Secretary to Government of Mysore,
Revenue Department, Bangalore

Sir,

Appeal against the order of the House Rent Controller, Bangalore, fixing the rent for the building 'Ranga Vilas'

As desired in your letter No L 14418 dated the 24th instant, I have the honour to forward herewith for reference a copy of the order passed by the House Rent Controller, Bangalore in H R C No 998 of 45 dated the 31st May 1946

I have the honour to be,
Sir,
Your most obedient servant,

CHAIRMAN,
City Improvement Trust Board,
Bangalore

YBR

25/6

IN THE COURT OF THE HOUSE RENT CONTROLLER, BANGALORE DISTRICT

Bangalore, dated the 13th day of May 1946

PRESENT N Lakshmana Rao, Esq , B Sc , B L ,
House Rent Controller, Bangalore District

NO H R C 998 of 45-46

Petitioner Raja Venkataramma Setty.

ORDER

This is an application under Clause 3 of the House Rent Control Order, for fixation of fair rent

2 On 12th July 1945, the petitioner purchased the property for a sum of Rs 2,50,000/- and took actual possession on 24th September 1945 On 27th September 1945, he was served with a notice that he should not rent out the premises, without the previous permission of the Deputy Commissioner. During the last week of October of 1945, the petitioner received a communication from the Office of the Deputy Commissioner to the effect that the premises had been requisitioned under the Defence of India Rules, for locating the Bangalore City Trust Board Office The prayer is that a fair rent may be fixed for this building

3 The building has been inspected by the Sub Division Officer and Civil Officer, Bangalore Sub Division, Bangalore on the 30th January 1946, and he has sent in his report He has recommended that the fair rent for this building would be Rs 625/- per month The basis for this figure, apart from other considerations, is that the Land lord has purchased the building at a heavy cost of Rs 2,50,000/- But, I am afraid this can be no basis at all The building has been purchased when the cost of house property was abnormally heavy in Bangalore Buildings have been purchased during this period at unconscienable prices when the purchasers knew full well that they were paying a big price, the reason being that the other investments were not really very lucrative at all

4 Nextly, in the course of his petition the land lord has stated that he had leased it out for Rs 1,500/- to one Gangadhara Sait just on the day prior to the date on which he received a notice from the Deputy Commissioner But, as the Sub Division Officer and Civil Officer has observed, this is not a good basis for fixing the fair rent, since the prospective tenant wanted to have the building for a speculative hotel business

5 In my opinion, during the ordinary years, the building cannot be expected to fetch a rent higher than about Rs 300/- The Municipal Tax has also been fixed at Rs 375/- But, in view of the heavy investment and also in view

of the general increase in rents owing to pressure, I fix the fair rent at Rs.500/- per month.

Dictated to the Stenotypist and pronounced in open court.

Bangalore,
Dated, 13th May 1946.

Sd/- N Lakshamana Rao,
House Rent Controller,
Bangalore District

"COPY"

CHAIRMAN,
City Improvement Trust Bd.,
Bangalore

YBR

The Chairman C & T Bd
L 660 & 12 7 Ub B'bore
dt 1, ml 149-45-90

Subj: Appeal against the ordering the House Rent Controller, B'bore fixing the rent for the building "Ranga Vilas" - occupied by the Post Brand at Rs 500/- p.m.

With refce to the correspondence ending with your letter no 2179 dated 25-6-46 on the above subject, I am directed to convey the approval of Govt to the ~~Hon~~ the action taken by the Collector in ~~having forwarded~~ an appeal to the Revenue Commr in ~~appeal~~ against the order of the House Rent Controller B'bore dt 20 ~~extract~~ the case of the Post & Telegraph Master on behalf of the Govt of India

Yours &c
Sd/- for Rev Secy